

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

Elnora Carthan; Rhonda Kelso, individually and as next of friend of K.E.K, a minor child; Darrell and Barbara Davis; Michael Snyder, as personal representative of the Estate of John Snyder, deceased; Marilyn Bryson; David Munoz; Tiantha Williams, individually and as next of friend of T.W., a minor child; Amber Brown, as next of friend of K.L.D., a minor child; Frances Gilcreast; EPCO Sales, LLC; Angelo's Coney Island Palace, Inc., on behalf of themselves and all others similarly situated,

Plaintiffs,

-vs-

Docket: 5:16-cv-10444-
JEL-MKM

Hon. Judith E. Levy

Magistrate Judge Mona K.
Majzoub

Governor Rick Snyder, in his individual and official capacities; the State of Michigan; the City of Flint; Daniel Wyant, in his individual capacity; Andy Dillon, in his individual capacity; Nick Lyon, in his individual capacity; Nancy Peeler, in her individual capacity; Liane Shekter-Smith, in her individual capacity; Adam Rosenthal, in his individual capacity; Stephen Busch, in his individual capacity; Patrick Cook, in his individual capacity; Michael Prysby, in his individual capacity; Bradley Wurfel, in his individual capacity; Jeff Wright, in his individual capacity; Edward Kurtz, in his individual capacity; Darnell Earley, in his individual capacity; Gerald Ambrose, in his individual capacity; Dayne Walling, in his individual capacity and official capacities; Howard Croft, in his individual capacity; Michael Glasgow, in his individual capacity; Daugherty Johnson, in his individual capacity; Lockwood, Andrews & Newnam, P.C.; Lockwood, Andrews & Newnam, Inc.; Leo A. Daly Company; Veolia North America,

LLC; Veolia North America, Inc.; Veolia Water
North America Operating Services, LLC,
Defendants.

/

**JOINDER OF THE LAN DEFENDANTS IN THE MOTION OF THE VNA
DEFENDANTS TO STRIKE PLAINTIFFS' PROPOSED CLASSES**

NOW COME Defendants Lockwood, Andrews & Newnam, Inc.,
Lockwood, Andrews & Newnam, PC, and Leo A. Daly Company (the "LAN
Defendants"), and hereby join in the Motion of Defendants Veolia North
America, LLC, Veolia North America, Inc. and Veolia Water North America
Operating Services, LLC ((the "VNA Defendants") to Strike Proposed Classes
filed on August 2, 2019. (Doc. # 914) The LAN Defendants adopt all arguments
raised by the VNA Defendants other than arguments premised upon the fact
that VWNAOS only performed work for the City of Flint in early 2015. The
LAN Defendants assert that the principal proposed class definitions and the
subclass definitions are impermissible fail-safe classes. The LAN Defendants
further assert that the principal proposed class definitions and subclass
definitions are overbroad as to them where Plaintiffs do not request
injunctive relief as to LAN. *See* Fourth Consolidated Amended Class Complaint,
¶ 581. The LAN Defendants further assert that the issue class asserted by
Plaintiffs is overbroad as to them.

Respectfully submitted,

/s/ Wayne B. Mason

Wayne B. Mason (SBOT 13158950)
Travis S. Gamble (SBOT 00798195)
S. Vance Wittie (SBOT 21832980)
David C. Kent (SBOT 11316400)
DRINKER BIDDLE & REATH LLP
1717 Main St., Suite 5400
Dallas TX 75201
(469) 227-8200
wayne.mason@dbr.com
travis.gamble@dbr.com
vance.wittie@dbr.com
david.kent@dbr.com

ATTORNEYS FOR DEFENDANTS
LOCKWOOD, ANDREWS & NEWNAM,
INC. and LOCKWOOD, ANDREWS &
NEWNAM, P.C.

Dated: August 2, 2019

/s/ Philip A. Erickson

Philip A. Erickson (P37081)
Robert G. Kamenec (P35283)
Saulius K. Mikalonis (P39486)
Karen E. Beach (P75172)
PLUNKETT COONEY
325 E. Grand River Ave, Suite 250
East Lansing, MI 48823
(517) 324-5608
perickson@plunkettcooney.com
rkamenec@plunkettcooney.com
smikalonis@plunkettcooney.com
kbeach@plunkettcooney.com

ATTORNEYS FOR DEFENDANTS
LOCKWOOD, ANDREWS & NEWNAM,
INC. and LOCKWOOD, ANDREWS &
NEWNAM, P.C.

CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2017, I electronically filed **JOINDER OF THE LAN DEFENDANTS IN THE MOTION OF THE VNA DEFENDANTS TO STRIKE PLAINTIFFS' PROPOSED CLASSES** with the Clerk of the Court using the ECF system which will send notification of such filing to all attorneys of record.

By: /s/ Philip A. Erickson

Philip A. Erickson (P37081)
Attorney for LAN Defendants
325 East Grand River Ave., Ste 250
East Lansing, MI 48823
(517) 324-5608
perickson@plunkettcooney.com